

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL NO. 3:00-CR-13
CIVIL ACTION NO. 3:07-CV-17
(Judge Bailey)**

BURTON BRAXTON HAGWOOD,

Defendant.

ORDER GRANTING PETITION FOR DOCUMENTS

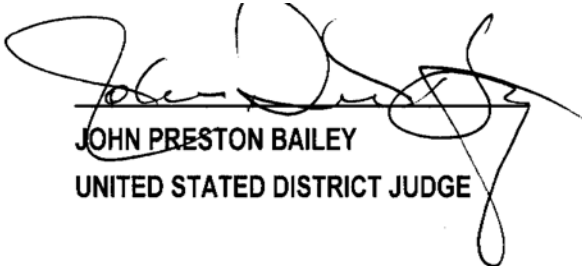
This matter is now before the Court for consideration of the defendant's Petition for Documents [Crim. Doc. 171] filed on July 5, 2007. In support of the motion, the defendant states that he never received the magistrate judge's Report and Recommendation ("R & R") [Crim. Doc. 166 ; Civ. Doc. 2] and, therefore, did not have the opportunity to provide objections thereto. The defendant did, however, receive the Order Adopting the Report and Recommendation [Crim. Doc. 170 ; Civ. Doc. 6]. In that Order, this Court reviewed the R & R for clear error because the petitioner failed to file any objections. The Court, however, overlooked the fact that the defendant had filed a Motion to Stay [Crim. Doc. 168; Civ. Doc. 3], which sought to stay the case until he secured more concrete housing arrangements. Therefore, the defendant seeks leave to file his objection, and to have the Court review his petition *de novo*. Having reviewed the motion, and having reviewed the procedural history in this case, the Court is of the opinion that the defendant's **Petition for Documents [Crim. Doc. 171]** should be, and is, hereby **GRANTED**. As such, the Clerk

is **DIRECTED** to mail a certified copy of the magistrate judge's Report and Recommendation [Crim. Doc. 166 ; Civ. Doc. 2] to the defendant's current mailing address. Furthermore, the Court **GRANTS** the defendant leave to file any objections within a reasonable period of time.

It is so **ORDERED**.

The Clerk is directed to mail a certified copy of this Order to the *pro se* petitioner and to transmit copies to all counsel of record herein.

DATED: January 25, 2008.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE